

ASSEMBLY BILL

No. 2394

Introduced by Assembly Member Gorell

February 21, 2014

An act to amend Sections 334, 336, 342, 359.5, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9034, 9035, 9050, 9051, 9053, 9063, 9086, 9087, 13262, 13282, and 18602 of the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2394, as introduced, Gorell. Elections: Secretary of State.

Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. Existing law also requires the Attorney General to prepare a circulating title and summary of an initiative or referendum measure prior to the circulation of an initiative or referendum petition for signatures.

This bill would require the Secretary of State, instead of the Attorney General, to prepare the ballot label and the ballot title and summary for all measures submitted to the voters of the state and the circulating title and summary for initiative and referendum measures.

The existing law provides that all judicial, school, county, and city offices, and the office of the Superintendent of Public Instruction, are nonpartisan. Existing law defines a “voter-nominated office” as a congressional or state elective office for which a candidate may choose to have his or her party preference or lack of party preference indicated upon the ballot, and provides a list of voter-nominated offices.

This bill would provide that the office of the Secretary of State is also a nonpartisan office and would remove it from the list of voter-nominated offices.

The bill would make its operation contingent upon the approval by the voters of ACA _____ of the 2013–14 Regular Session.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 334 of the Elections Code is amended to
2 read:

3 334. “Nonpartisan office” means an office, except for a
4 voter-nominated office, for which no party may nominate a
5 candidate. Judicial, school, county, and municipal offices, ~~including~~
6 *and the offices of the Secretary of State and the Superintendent of*
7 Public Instruction, are nonpartisan offices.

8 SEC. 2. Section 336 of the Elections Code is amended to read:

9 336. The “official summary date” is the date a circulating title
10 and summary of a proposed initiative measure is delivered or
11 mailed by the ~~Attorney General~~ *Secretary of State* to the proponents
12 of the proposed measure.

13 SEC. 3. Section 342 of the Elections Code is amended to read:

14 342. “Proponent or proponents of an initiative or referendum
15 measure” means, for statewide initiative and referendum measures,
16 the elector or electors who submit the text of a proposed initiative
17 or referendum to the ~~Attorney General~~ *Secretary of State* with a
18 request that he or she prepare a circulating title and summary of
19 the chief purpose and points of the proposed measure; or for other
20 initiative and referendum measures, the person or persons who
21 publish a notice or intention to circulate petitions, or, ~~where if~~
22 publication is not required, *the person or persons* who file petitions
23 with the elections official or legislative body.

24 SEC. 4. Section 359.5 of the Elections Code is amended to
25 read:

26 359.5. (a) “Voter-nominated office” means a congressional
27 or state elective office for which a candidate may choose to have
28 his or her party preference or lack of party preference indicated
29 upon the ballot. A political party or party central committee shall
30 not nominate a candidate at a state-conducted primary election for

1 a voter-nominated office. The primary conducted for a
2 voter-nominated office does not serve to determine the nominees
3 of a political party but serves to winnow the candidates for the
4 general election to the candidates receiving the highest or second
5 highest number of votes cast at the primary election. The following
6 offices are voter-nominated offices:

7 (1) Governor.

8 (2) Lieutenant Governor.

9 ~~(3) Secretary of State.~~

10 ~~(4)~~

11 (3) Controller.

12 ~~(5)~~

13 (4) Treasurer.

14 ~~(6)~~

15 (5) Attorney General.

16 ~~(7)~~

17 (6) Insurance Commissioner.

18 ~~(8)~~

19 (7) Member of the State Board of Equalization.

20 ~~(9)~~

21 (8) United States Senator.

22 ~~(10)~~

23 (9) Member of the United States House of Representatives.

24 ~~(11)~~

25 (10) State Senator.

26 ~~(12)~~

27 (11) Member of the Assembly.

28 (b) This section does not prohibit a political party or party
29 central committee from endorsing, supporting, or opposing a
30 candidate for an office listed in subdivision (a).

31 SEC. 5. Section 9001 of the Elections Code is amended to read:

32 9001. (a) ~~Prior to~~ *Before* the circulation of ~~any~~ *an* initiative
33 or referendum petition for signatures, the text of the proposed
34 measure shall be submitted to the ~~Attorney General~~ *Secretary of*
35 *State* with a written request that a circulating title and summary
36 of the chief purpose and points of the proposed measure be
37 prepared. The electors presenting the request shall be known as
38 the “proponents.” The ~~Attorney General~~ *Secretary of State* shall
39 preserve the written request until after the next general election.

(b) Each ~~and every~~ proponent of ~~any~~ a proposed initiative measure shall, at the time of submitting the text of the proposed measure, provide both of the following:

(1) An original signed certification stating that “I, (insert name), declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of (insert county), California.”

(2) Public contact information.

(c) The proponents of ~~any~~ an initiative measure, at the time of submitting the text of the proposed measure to the ~~Attorney General~~ *Secretary of State*, shall pay a fee of two hundred dollars (\$200), which shall be placed in a trust fund in the office of the Treasurer and refunded to the proponents if the measure qualifies for the ballot within two years from the date the summary is furnished to the proponents. If the measure does not qualify within that period, the fee shall be immediately paid into the General Fund of the state.

(d) All referenda and proposed initiative measures ~~must~~ shall be submitted to the ~~Attorney General’s~~ *Secretary of State’s* Initiative Coordinator located in the *Secretary of State’s* Sacramento ~~Attorney General’s Office~~ *office* via ~~U.S. United States~~ Postal Service, alternative mail service, or personal delivery. Only printed documents will be accepted;; facsimile or e-mail delivery will not be accepted.

(e) The ~~Attorney General’s~~ *Secretary of State’s* office shall not deem a request for a circulating title and summary submitted until all of the requirements of this section are met.

SEC. 6. Section 9002 of the Elections Code is amended to read:

9002. (a) The ~~Attorney General~~ *Secretary of State* shall ~~provide a copy of~~ *prepare* the title and summary ~~to the Secretary of State~~ within 15 days after receipt of the final version of a proposed initiative measure, or, if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. If, during the 15-day period, the proponents of the proposed initiative measure submit amendments, other than technical, nonsubstantive amendments, to the final version of the measure, the ~~Attorney General~~ *Secretary of State* shall ~~provide a copy of~~ *prepare* the title

1 and summary to the Secretary of State within 15 days after receipt
2 of the amendments.

3 (b) The amendment ~~must~~ *shall* be submitted with a signed
4 request by all the proponents to prepare a circulating title and
5 summary using the amended language.

6 (c) The amendment ~~must~~ *shall* be submitted to the ~~Attorney~~
7 ~~General's Secretary of State's~~ Initiative Coordinator located in the
8 ~~Secretary of State's Sacramento Attorney General's Office office~~
9 via ~~U.S. United States~~ Postal Service, alternative mail service, or
10 personal delivery. Only printed documents will be accepted;;
11 facsimile or e-mail delivery will not be accepted.

12 SEC. 7. Section 9003 of the Elections Code is amended to read:

13 9003. In the event that the ~~Attorney General~~ *Secretary of State*
14 is a proponent of a proposed measure, the circulating title and
15 summary of the chief purpose and points of the proposed measure,
16 including an estimate or opinion on the financial impact of the
17 measure, shall be prepared by the Legislative Counsel, and the
18 other duties of the ~~Attorney General~~ *Secretary of State* specified
19 in this chapter with respect to the circulating title and ballot title
20 and summary and an estimate of the financial effect of the measure
21 shall be performed by the Legislative Counsel.

22 SEC. 8. Section 9004 of the Elections Code is amended to read:

23 9004. (a) Upon receipt of the text of a proposed initiative
24 measure, the ~~Attorney General~~ *Secretary of State* shall prepare a
25 circulating title and summary of the chief purposes and points of
26 the proposed measure. The circulating title and summary shall not
27 exceed a total of 100 words. The ~~Attorney General~~ *Secretary of*
28 *State* shall also provide a unique numeric identifier for each
29 proposed initiative measure. The circulating title and summary
30 shall be prepared in the manner provided for the preparation of
31 ballot titles and summaries in Article 5 (commencing with Section
32 9050), the provisions of which, in regard to the preparation, filing,
33 and settlement of ballot titles and summaries, are ~~hereby made~~
34 applicable to the circulating title and summary.

35 (b) The ~~Attorney General~~ *Secretary of State* shall provide a copy
36 of the circulating title and summary and its unique numeric
37 identifier to the proponents ~~and to the Secretary of State~~ within 15
38 days after receipt of the fiscal estimate or opinion prepared by the
39 Department of Finance and the Joint Legislative Budget Committee

1 pursuant to Section 9005. The date the copy is delivered or mailed
2 to the proponents is the “official summary date.”

3 ~~(c) Upon receipt of the circulating title and summary from the~~
4 ~~Attorney General, the~~ The Secretary of State shall, within one
5 business day *after preparing the circulating title and summary*,
6 notify the proponents and county elections official of each county
7 of the official summary date and provide a copy of the circulating
8 title and summary to each county elections official. This
9 notification shall also include a complete schedule showing the
10 maximum filing deadline, and the certification deadline by the
11 counties to the Secretary of State.

12 SEC. 9. Section 9005 of the Elections Code is amended to read:

13 9005. (a) ~~The Attorney General~~ *Secretary of State*, in preparing
14 a circulating title and summary for a proposed initiative measure,
15 shall, in boldface print, include in the circulating title and summary
16 either the estimate of the amount of any increase or decrease in
17 revenues or costs to the state or local government, or an opinion
18 as to whether or not a substantial net change in state or local
19 finances would result if the proposed initiative is adopted.

20 (b) The estimate as required by this section shall be made jointly
21 by the Department of Finance and the Joint Legislative Budget
22 Committee, who shall deliver the estimate to the ~~Attorney General~~
23 *Secretary of State* so that he or she may include the estimate in the
24 circulating title and summary prepared by him or her.

25 (c) The estimate shall be delivered to the ~~Attorney General~~
26 *Secretary of State* within 25 working days from the date of receipt
27 of the final version of the proposed initiative measure from the
28 ~~Attorney General~~ *Secretary of State*, unless, in the opinion of both
29 the Department of Finance and the Joint Legislative Budget
30 Committee, a reasonable estimate of the net impact of the proposed
31 initiative measure cannot be prepared within the 25-day period.
32 In the latter case, the Department of Finance and the Joint
33 Legislative Budget Committee shall, within the 25-day period,
34 give the ~~Attorney General~~ *Secretary of State* their opinion as to
35 whether or not a substantial net change in state or local finances
36 would result if the proposed initiative measure is adopted.

37 (d) A statement of fiscal impact prepared by the Legislative
38 Analyst pursuant to subdivision (b) of Section 12172 of the
39 Government Code may be used by the Department of Finance and

1 the Joint Legislative Budget Committee in the preparation of the
2 fiscal estimate or the opinion.

3 SEC. 10. Section 9006 of the Elections Code is amended to
4 read:

5 9006. (a) Upon receipt of the text of a proposed referendum
6 ~~measure, the Attorney General~~ *Secretary of State* shall prepare a
7 circulating title and summary of the chief purpose and points of
8 the proposed statute at issue. The circulating title and summary
9 shall not exceed a total of 100 words. ~~No~~ A fiscal analysis shall
10 ~~not~~ be included.

11 (b) ~~The Attorney General~~ *Secretary of State* shall provide a copy
12 of the circulating title and summary of the proposed referendum
13 ~~measure to the proponents and to the Secretary of State~~ within 10
14 days after receipt of the proposed referendum *measure*.

15 (c) ~~Upon receipt of the circulating title and summary from the~~
16 ~~Attorney General, the~~ *The* Secretary of State shall, within one
17 business day *after preparing the circulating title and summary*,
18 notify the proponents and county elections official of each county
19 of the official summary date and provide a copy of the circulating
20 title and summary to each county elections official. This
21 notification shall also include a complete schedule showing the
22 maximum filing deadline, and the certification deadline by the
23 counties to the Secretary of State.

24 SEC. 11. Section 9007 of the Elections Code is amended to
25 read:

26 9007. Immediately upon the preparation of the circulating title
27 and summary of a proposed initiative or referendum measure, the
28 ~~Attorney General~~ *Secretary of State* shall forthwith transmit copies
29 of the text of the measure and the circulating title and summary to
30 the Senate and the Assembly. The appropriate committees of each
31 house may hold public hearings on the subject of the measure.
32 However, ~~nothing in~~ this section shall *not* be construed as authority
33 for the Legislature to alter the measure or prevent it from appearing
34 on the ballot.

35 SEC. 12. Section 9008 of the Elections Code is amended to
36 read:

37 9008. Every proposed initiative measure, ~~prior to~~ *before*
38 circulation, shall have placed across the top of the petition in
39 12-point or larger roman boldface type; all of the following:

1 (a) The ~~Attorney General's~~ *Secretary of State's* unique numeric
2 identifier placed before the circulating title and summary upon
3 each page where the circulating title and summary is to appear.

4 (b) The circulating title and summary prepared by the ~~Attorney~~
5 ~~General~~ *Secretary of State* upon each page of the petition on which
6 signatures are to appear.

7 (c) The circulating title and summary prepared by the ~~Attorney~~
8 ~~General~~ *Secretary of State* upon each section of the petition
9 preceding the text of the measure.

10 (d) The circulating title and summary prepared by the ~~Attorney~~
11 ~~General~~ *Secretary of State* as required by subdivision (c) shall be
12 preceded by the following statement: "Initiative measure to be
13 submitted directly to the voters."

14 SEC. 13. Section 9009 of the Elections Code is amended to
15 read:

16 9009. The heading of an initiative petition shall be in
17 substantially the following form:

18 Initiative Measure to Be Submitted Directly to the Voters

19 The ~~Attorney General~~ *Secretary of State* of California has
20 prepared the following circulating title and summary of the chief
21 purpose and points of the proposed measure:

22 (Here set forth the unique numeric identifier provided by the
23 ~~Attorney General~~ *Secretary of State* and circulating title and
24 summary prepared by the ~~Attorney General~~ *Secretary of State*.
25 Both the ~~Attorney General's~~ *Secretary of State's* unique numeric
26 identifier and the circulating title and summary must also be printed
27 across the top of each page of the petition whereon signatures are
28 to appear.)

29 To the Honorable Secretary of State of California

30 We, the undersigned, registered, qualified voters of California,
31 residents of ____ County (or City and County), hereby propose
32 amendments to the Constitution of California (the ____ Code,
33 relating to ____) and petition the Secretary of State to submit the
34 same to the voters of California for their adoption or rejection at
35 the next succeeding general election or at any special statewide
36 election held prior to that general election or as otherwise provided
37 by law. The proposed constitutional (or statutory) amendments
38 (full title and text of the measure) read as follows:

39 SEC. 14. Section 9034 of the Elections Code is amended to
40 read:

9034. Upon the certification of an initiative measure for the ballot, the Secretary of State shall transmit copies of the initiative measure, together with the circulating title and summary as prepared by the Attorney General pursuant to Section 9004, to the Senate and the Assembly. Each house shall assign the initiative measure to its appropriate committees. The appropriate committees shall hold joint public hearings on the subject of ~~such~~ *the* measure ~~prior to~~ *before* the date of the election at which the measure is to be voted upon. However, ~~no a hearing may~~ *shall not* be held within 30 days ~~prior to~~ *before* the date of the election.

~~Nothing in this~~ *This* section shall *not* be construed as authority for the Legislature to alter the initiative measure or prevent it from appearing on the ballot.

SEC. 15. Section 9035 of the Elections Code is amended to read:

9035. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the *California* Constitution and is certified to have been signed by registered voters equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the *California* Constitution, of the voters for all candidates for Governor at the last gubernatorial election preceding the issuance of the circulating title and summary for the initiative measure by the ~~Attorney General~~ *Secretary of State*.

SEC. 16. Section 9050 of the Elections Code is amended to read:

9050. After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall ~~promptly transmit a copy of the measure to the Attorney General. The Attorney General shall provide and return to the Secretary of State~~ *prepare* a ballot title and summary and ballot label for *the measure. The Secretary of State shall prepare a ballot title and summary and ballot label for* each measure submitted to the voters of the whole state by a date sufficient to meet the ballot pamphlet public display deadlines.

SEC. 17. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the

1 measure and shall not exceed 100 words, not including the fiscal
2 impact.

3 (2) The ballot title and summary shall be amended to include a
4 summary of the Legislative Analyst's estimate of the net state and
5 local government fiscal impact prepared pursuant to Section 9087;
6 *of this code* and Section 88003 of the Government Code.

7 (b) The ballot label shall *not* contain ~~no~~ more than 75 words
8 and shall be a condensed version of the ballot title and summary
9 including the financial impact summary prepared pursuant to
10 Section 9087 *of this code* and Section 88003 of the Government
11 Code.

12 (c) ~~In providing~~ *preparing* the ballot title and summary, the
13 ~~Attorney General~~ *Secretary of State* shall give a true and impartial
14 statement of the purpose of the measure in such language that the
15 ballot title and summary shall neither be an argument, nor be likely
16 to create prejudice, for or against the proposed measure.

17 SEC. 18. Section 9053 of the Elections Code is amended to
18 read:

19 9053. ~~Each~~ A measure shall be designated on the ballot by the
20 ballot label ~~certified to the Secretary of State~~ *prepared by the*
21 ~~Attorney General~~ *Secretary of State*.

22 SEC. 19. Section 9063 of the Elections Code is amended to
23 read:

24 9063. The summary of a measure given in the press release
25 shall be the official circulating title and summary that has been
26 prepared by the ~~Attorney General~~ *Secretary of State*. The
27 Legislative Counsel Bureau shall prepare the summary on all other
28 measures.

29 SEC. 20. Section 9086 of the Elections Code is amended to
30 read:

31 9086. The ballot pamphlet shall contain as to each state measure
32 to be voted upon, the following, in the order set forth in this
33 section:

34 (a) (1) Upon the top portion of the first page, and not exceeding
35 one-third of the page, shall appear:

36 (A) Identification of the measure by number and title.

37 (B) The official summary prepared by the ~~Attorney General~~
38 *Secretary of State*.

1 (C) The total number of votes cast for and against the measure
2 in both the State Senate and Assembly, if the measure was passed
3 by the Legislature.

4 (2) The space in the title and summary that is used for an
5 explanatory table prepared pursuant to paragraph (2) of subdivision
6 (e) of Section 9087 *of this code* and Section 88003 of the
7 Government Code shall not be included when measuring the
8 amount of space the information described in paragraph (1) has
9 taken for purposes of determining compliance with the restriction
10 prohibiting the information described in paragraph (1) from
11 exceeding one-third of the page.

12 (b) Beginning at the top of the right page shall appear the
13 analysis prepared by the Legislative Analyst, provided that the
14 analysis fits on a single page. If it does not fit on a single page,
15 the analysis shall begin on the lower portion of the first left page
16 and shall continue on subsequent pages until it is completed.

17 (c) Arguments for and against the measure shall be placed on
18 the next left and right pages, respectively, following the final page
19 of the analysis of the Legislative Analyst. The rebuttals shall be
20 placed immediately below the arguments.

21 (d) If no argument against the measure has been submitted, the
22 argument for the measure shall appear on the right page facing the
23 analysis.

24 (e) The complete text of each measure shall appear at the back
25 of the pamphlet. The text of the measure shall contain the
26 provisions of the proposed measure and the existing provisions of
27 law repealed or revised by the measure. The provisions of the
28 proposed measure differing from the existing provisions of law
29 affected shall be distinguished in print, so as to facilitate
30 comparison.

31 (f) The following statement shall be printed at the bottom of
32 each page where arguments appear: "Arguments printed on this
33 page are the opinions of the authors, and have not been checked
34 for accuracy by any official agency."

35 SEC. 21. Section 9087 of the Elections Code is amended to
36 read:

37 9087. (a) The Legislative Analyst shall prepare an impartial
38 analysis of the measure describing the measure and including a
39 fiscal analysis of the measure showing the amount of any increase
40 or decrease in revenue or cost to state or local government. If it is

1 estimated that a measure would result in increased cost to the state,
2 an analysis of the measure's estimated impact on the state shall be
3 provided, including an estimate of the percentage of the General
4 Fund that would be expended due to the measure, using visual aids
5 when appropriate. An estimate of increased cost to the state or
6 local governments shall be set out in boldface print in the ballot
7 pamphlet.

8 (b) The analysis shall be written in clear and concise terms, so
9 as to be easily understood by the average voter, and shall avoid
10 the use of technical terms wherever possible. The analysis may
11 contain background information, including the effect of the
12 measure on existing law and the effect of enacted legislation which
13 will become effective if the measure is adopted, and shall generally
14 set forth in an impartial manner the information the average voter
15 needs to adequately understand the measure. To the extent
16 practicable, the Legislative Analyst shall ~~utilize~~ *use* a uniform
17 method in each analysis to describe the estimated increase or
18 decrease in revenue or cost of a measure, so that the average voter
19 may draw comparisons among the fiscal impacts of measures. The
20 condensed statement of the fiscal impact summary for the measure
21 prepared by the ~~Attorney General~~ *Secretary of State* to appear on
22 the ballot shall contain the uniform estimate of increase or decrease
23 in revenue or cost of the measure prepared pursuant to this
24 subdivision.

25 (c) The Legislative Analyst may contract with a professional
26 writer, educational specialist, or another person for assistance in
27 writing an analysis that fulfills the requirements of this section,
28 including the requirement that the analysis be written so that it
29 will be easily understood by the average voter. The Legislative
30 Analyst may also request the assistance of a state department,
31 agency, or official in preparing his or her analysis.

32 (d) ~~Prior to~~ *Before* submitting the analysis to the Secretary of
33 State, the Legislative Analyst shall submit the analysis to a
34 committee of five persons, appointed by the Legislative Analyst,
35 for the purpose of reviewing the analysis to confirm its clarity and
36 easy comprehension to the average voter. The committee shall be
37 drawn from the public at large, and one member shall be a
38 specialist in education, one member shall be bilingual, and one
39 member shall be a professional writer. Members of the committee
40 shall be reimbursed for reasonable and necessary expenses incurred

1 in performing their duties. Within five days of the submission of
2 the analysis to the committee, the committee shall make
3 recommendations to the Legislative Analyst as it deems appropriate
4 to guarantee that the analysis can be easily understood by the
5 average voter. The Legislative Analyst shall consider the
6 committee's recommendations, and he or she shall incorporate in
7 the analysis those changes recommended by the committee that
8 he or she deems to be appropriate. The Legislative Analyst is solely
9 responsible for determining the content of the analysis required
10 by this section.

11 (e) (1) The title and summary of any measure that appears on
12 the ballot shall be amended to contain a summary of the Legislative
13 Analyst's estimate of the net state and local government fiscal
14 impact.

15 (2) For state bond measures that are submitted to the voters for
16 their approval or rejection, the summary of the Legislative
17 Analyst's estimate described in paragraph (1) shall include an
18 explanatory table of the information in the summary.

19 SEC. 22. Section 13262 of the Elections Code is amended to
20 read:

21 13262. (a) The ballot shall contain the same material as to
22 candidates and measures, and shall be printed in the same order
23 as provided for paper ballots, and may be arranged in parallel
24 columns on one or more ballot cards as required, except that the
25 column in which the voter marks his or her choices may be at the
26 left of the names of candidates and the designation of measures.

27 (b) If there are a greater number of candidates for an office or
28 for a party nomination for an office than the number whose names
29 can be placed on one pair of facing ballot pages, a series of
30 overlaying pages printed only on the same, single side shall be
31 used, and the ballot shall be clearly marked to indicate that the list
32 of candidates for the office is continued on the following page or
33 pages. If the names of candidates for the office are not required to
34 be rotated, they shall be rotated by groups of candidates in a
35 manner so that the name of each candidate shall appear on each
36 page of the ballot in approximately the same number of precincts
37 as the names of all other candidates.

38 (c) Space shall be provided on the ballot or on a separate write-in
39 ballot to permit voters to write in names not printed on the ballot
40 when authorized by law. The size of the voting square and the

1 spacing of the material may be varied to suit the conditions
2 imposed by the use of ballot cards, provided the size of the type
3 is not reduced below the minimum size requirements set forth in
4 Chapter 2 (commencing with Section 13100).

5 (d) The statement of measure submitted to the voters may be
6 abbreviated if necessary on the ballot, ~~provided that if~~ each and
7 every statement of ~~measures~~ *measure* on that ballot is abbreviated.
8 ~~Abbreviation~~ Any *abbreviation* of matters to be voted on
9 throughout the state shall be composed by the ~~Attorney General~~
10 *Secretary of State*.

11 SEC. 23. Section 13282 of the Elections Code is amended to
12 read:

13 13282. Whenever the ~~Attorney General~~ *Secretary of State*
14 prepares a ballot label, the ~~Attorney General~~ *Secretary of State*
15 shall ~~file a copy of the ballot label with the Secretary of State. The~~
16 ~~Secretary of State shall~~ make a copy of the ballot label available
17 for public examination ~~prior to~~ *before* the printing of the ballot
18 label on any ballot. The public shall be permitted to examine the
19 ballot label for at least 20 days, and the Secretary of State may
20 consolidate the examination requirement under this section with
21 the public examination requirements set forth in Section 9092. A
22 voter may seek a writ of mandate requiring a ballot label, or portion
23 thereof, to be amended or deleted. The provisions set forth in
24 Section 9092 concerning the issuance of the writ and the nature
25 of the proceedings shall be applicable to this section.

26 SEC. 24. Section 18602 of the Elections Code is amended to
27 read:

28 18602. ~~Any~~ A person working for the proponent or proponents
29 of a statewide initiative or referendum measure who covers or
30 otherwise obscures the summary of the measure prepared by the
31 ~~Attorney General~~ *Secretary of State* from the view of a prospective
32 signer is guilty of a misdemeanor.

33 SEC. 25. Section 88002 of the Government Code is amended
34 to read:

35 88002. The ballot pamphlet shall contain as to each state
36 measure to be voted upon, the following in the order set forth in
37 this section:

38 (a) (1) Upon the top portion of the first page and not exceeding
39 one-third of the page shall appear:

40 (A) The identification of the measure by number and title.

1 (B) The official summary prepared by the ~~Attorney General~~
2 *Secretary of State*.

3 (C) The total number of votes cast for and against the measure
4 in both the State Senate and Assembly if the measure was passed
5 by the Legislature.

6 (2) The space in the title and summary that is used for an
7 explanatory table prepared pursuant to paragraph (2) of subdivision
8 (e) of Section 9087 of the Elections Code and Section 88003 of
9 *this code* shall not be included when measuring the amount of
10 space the information described in paragraph (1) has taken for
11 purposes of determining compliance with the restriction prohibiting
12 the information described in paragraph (1) from exceeding
13 one-third of the page.

14 (b) Beginning at the top of the right page shall appear the
15 analysis prepared by the Legislative Analyst, provided that the
16 analysis fits on a single page. If it does not fit on a single page,
17 then the analysis shall begin on the lower portion of the first left
18 page and shall continue on subsequent pages until it is completed.

19 (c) Arguments for and against the measure shall be placed on
20 the next left and right pages, respectively, following the page on
21 which the analysis of the Legislative Analyst ends. The rebuttals
22 shall be placed immediately below the arguments.

23 (d) If no argument against the measure has been submitted, the
24 argument for the measure shall appear on the right page facing the
25 analysis.

26 (e) The complete text of each measure shall appear at the back
27 of the pamphlet. The text of the measure shall contain the
28 provisions of the proposed measure and the existing provisions of
29 law repealed or revised by the measure. The provisions of the
30 proposed measure differing from the existing provisions of law
31 affected shall be distinguished in print, so as to facilitate
32 comparison.

33 (f) The following statement shall be printed at the bottom of
34 each page where arguments appear: "Arguments printed on this
35 page are the opinions of the authors and have not been checked
36 for accuracy by any official agency."

37 SEC. 26. Sections 1 to 25, inclusive, of this act shall become
38 operative only if Assembly Constitutional Amendment ____ of

- 1 the 2013–14 Regular Session is approved by voters at a statewide
- 2 general election.

O